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MEMORANDUM

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TO: Docket Control Center

FROM: Ernest G. Johnson  
Director  
Utilities Division

2008 OCT -1 P 4: 00

ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

OCT -1 2008

DATE: September 30, 2008



RE: JOHNSON UTILITIES, L.L.C. - REQUEST FOR EXTENSION OF COMPLIANCE  
DEADLINE (DOCKET NO. WS-02987A-05-0695 - DECISION NO. 68961)

In Decision No. 68961, dated September 21, 2006, the Arizona Corporation Commission ("Commission") approved the application of Johnson Utilities Company ("Johnson") for extension of the existing Certificate of Convenience and Necessity ("CC&N") for water and wastewater service.

As part of Decision No. 68961, the Commission ordered that Johnson provide a copy of the Aquifer Protection Permit ("APP") for the Copper Basin Regional Wastewater Treatment Facility ("Copper Basin") within 24 months of the date of the Decision. Based on the Decision date of September 21, 2006, the Aquifer Protection Permit ("APP") was technically due on or about September 21, 2008 for Decision No. 68961. The APP for Copper Basin was also ordered as a part of the required compliance in Docket Nos. WS-02987A-05-0088 and WS-02987A-04-0288, which resulted in Decision Nos. 68235 and 68237, respectively.

On September 3, 2008, Johnson filed a request for extension of time for the APP on Copper Basin until October 25, 2009. In the application, the Company stated the following about previous extensions relating to this Copper Basin compliance due date:

"Extension requests were made and granted in Decisions 68235 and 68237 extending the due date to October 25<sup>th</sup>, 2009. As stated in the previous extensions, Johnson Utilities had to obtain a judgment from the courts to obtain clear title on the plant site and continue forward with the APP process. Johnson Utilities hereby request an extension of the compliance date to the date granted in the prior two Decisions to October 25, 2009."

Staff confirmed that the Company did request similar extensions in Decision Nos. 68235 and 68237 and notes that the Commission ruled on those extension requests in Decision No. 70411:

"IT IS FRUTHER ORDERED that Johnson Utilities, L.L.C., is hereby granted an extension of time, until October 25, 2009, to file the Aquifer Protection Permits for the Copper Basin Regional Wastewater Treatment facility, as ordered in Commission Decision Nos. 68235 and 68237."

As such, the current request for extension of time is simply an administrative action to synchronize the due dates for the Copper Basin APP in the multiple Johnson dockets in which this issue arises. Additionally, Staff received a copy of a September 17, 2008 letter from the developer, Montalbano Homes, reaffirming its need for water and sewer services and its reliance on Johnson to provide those services.

Based on all of the above, Staff recommends that the due date for the Copper Basin APP be extended until October 25, 2009, to correspond to the extension dates provided in Decision No. 70411.

EGJ:BKB:lm

Originator: Brian K. Bozzo

Attachment

SERVICE LIST FOR:           JOHNSON UTILITIES, LLC.  
DOCKET NO.                 WS-02987A-05-0695

Mr. Daniel Hodges  
Johnson Utilities, L.L.C.  
5230 East Shea Boulevard  
Scottsdale, Arizona 85254

Richard Sallquist  
Sallquist, Drummond & O'Connor  
4500 South Lakeshore Drive, Suite 339  
Tempe, Arizona 85282

Mr. Ernest G. Johnson  
Director, Utilities Division  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

Ms. Janice M. Alward  
Chief Counsel, Legal Division  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

Ms. Lyn A. Farmer  
Chief Administrative Law Judge  
Hearing Division  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

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**JOHNSON UTILITIES,**

5230 East Shea Boulevard \* Scottsdale, Arizona  
PH: (480) 998-3300; FAX: (480) 483-7908

September 3, 2008

Mr. Ernest Johnson  
Arizona Corporation Commission  
1200 W. Washington Street  
Phoenix, Arizona 85007

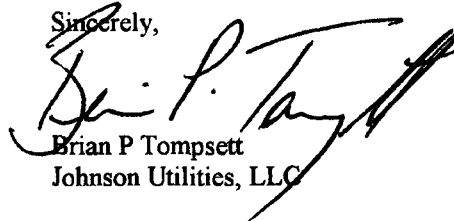
RE: Johnson Utilities, L.L.C.: Compliance with Decision No. 68961  
ACC Docket No. WS-02987A-05-0695  
RE: Unified (Aquifer Protection) Water Quality Permit for the Copper Basin Wastewater Treatment Facility

Dear Mr. Johnson:

Pursuant to the above mentioned decision, Johnson Utilities hereby requests for an extension of time to file the Unified (Aquifer Protection) Water Quality Permit ("APP) for the Copper Basin Wastewater Treatment Facility that is currently due this month. Extension requests were made and granted in Decisions 68235 & 68237 extending the due date to October 25<sup>th</sup>, 2009. As stated in the previous extensions, Johnson Utilities had to obtain a judgment from the courts to obtain clear title on the plant site and continue forward with the APP process. Johnson Utilities hereby request an extension of the compliance date to the date granted in the prior two Decisions to October 25, 2009. A current request for service letter from the developer will be filed with this request for your consideration in this extension as soon as we receive it.

If you need any additional information in regards to this compliance items, please do not hesitate to contact me. Thank you for your time and consideration in this matter.

Sincerely,


  
Brian P Tompsett  
Johnson Utilities, LLC

Cc: Docket Control, (1 original, 15 copies)  
Judge Dwight Nodes, Hearing  
Mr. Brian Bozzo, Compliance

Arizona Corporation Commission

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